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UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR 08-1201-1 ODW
)	
Plaintiff,)	
)	
v.)	PRELIMINARY ORDER OF
)	FORFEITURE AS TO RUBEN CAVAZOS
RUBEN CAVAZOS,)	[REGISTERED MARKS]
aka "Doc", et al.,)	
)	
Defendants.)	

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1 Upon consideration of the revised application of plaintiff
2 United States of America for a preliminary order of forfeiture
3 pursuant to Count Eighty-Five of the Indictment, defendant Ruben
4 Cavazos's plea of guilty to Count One of the Indictment,
5 defendant's plea agreement, defendant's change of plea hearing,
6 and the evidence presented with the government's application, the
7 court ORDERS as follows:

8 **I. FORFEITABLE PROPERTY**

9 For the reasons set out below, the following described
10 property, and all rights, interests and privileges appurtenant
11 thereto (hereinafter, the "Forfeitable Marks") is subject to
12 forfeiture to the United States. As alleged in Count Eighty-Five
13 of the Indictment, the government has established the requisite
14 nexus between the Forfeitable Marks and the offenses described in
15 Count One of the Indictment pursuant to 18 U.S.C. § 1963(a). All
16 right, title, and interest of RUBEN CAVAZOS in the Forfeitable
17 Marks is hereby forfeited to the United States. The Forfeitable
18 Marks are more particularly described as:

- 19 1. The mark assigned Registration No. 3076731 (serial no.
20 78610213), issued to Mongol Nation on or about April 4,
21 2006, purportedly for use in commerce in connection
 with promoting the interests of persons interested in
 the recreation of riding motorcycles.
- 22 2. The mark assigned Registration No. 2916965 (serial no.
23 76532713), issued to Mongol Nation on or about January
24 11, 2005, purportedly for use in commerce in connection
 with promoting the interests of persons interested in
 the recreation of riding motorcycles.

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1 **II. IMPLEMENTATION**

2 IT IS FURTHER ORDERED as follows:

3 A. Upon the entry of this Order, and pursuant to Fed. R.
4 Crim. P. 32.2(b)(6) and 18 U.S.C. § 1963(c) and (g), the United
5 States Attorney General (or a designee) is authorized to seize
6 the Forfeitable Marks and all rights, interests and privileges
7 appurtenant thereto. To the extent the United States at any time
8 identifies specific tangible property subject to forfeiture
9 pursuant to this Order, the United States may apply for a seizure
10 warrant to seize such property in the manner set forth in 18
11 U.S.C. § 1963(e), and shall move to amend this or any other then-
12 existing order of forfeiture in this matter to include such
13 property, pursuant to Fed. R. Crim. P. 32.2(e).

14 B. Upon entry of this Order, the United States is further
15 authorized to conduct any discovery for the purpose of
16 identifying, locating, or disposing of property subject to
17 forfeiture pursuant to this Order and Rule 32.2(b)(3) of the
18 Federal Rules of Criminal Procedure. "Any discovery" shall
19 include all methods of discovery permitted under the Federal
20 Rules of Civil Procedure.

21 C. Upon entry of this Order (and at any time in the future
22 after amendment of the applicable order of forfeiture in this
23 matter), the United States Attorney General (or a designee) is
24 authorized to commence any applicable proceeding to comply with
25 statutes governing third party rights, including giving notice of
26 this and any other Order affecting specific property. The
27 following paragraphs shall apply to any ancillary proceeding
28 conducted in this matter:

1 (1) Pursuant to 18 U.S.C. § 1963(1)(1), the United
2 States Marshal shall forthwith publish once in a newspaper of
3 general circulation notice of this order and any other Order
4 affecting the Forfeitable Marks, and notice that any person,
5 other than the defendant, having or claiming a legal interest in
6 the property must file a petition with the Court within thirty
7 (30) days of the publication of notice or receipt of actual
8 notice, whichever is earlier. The United States shall also, to
9 the extent practicable, provide written notice to any person
10 known to have an alleged interest in the Forfeitable Property.

11 (2) Any person, other than defendant CAVAZOS,
12 asserting a legal interest in the Forfeitable Marks may, within
13 thirty days of the publication of notice or receipt of notice,
14 whichever is earlier, petition the court for a hearing without a
15 jury to adjudicate the validity of his alleged interest in the
16 property, and for an amendment of the order of forfeiture,
17 pursuant to 18 U.S.C. § 1963(1)(2).

18 (3) Any petition filed by a third party asserting an
19 interest in the Forfeitable Marks shall be signed by the
20 petitioner under penalty of perjury and shall set forth the
21 nature and extent of the petitioner's right, title, or interest
22 in such property, the time and circumstances of the petitioner's
23 acquisition of the right, title or interest in the property, any
24 additional facts supporting the petitioner's claim, and the
25 relief sought. 18 U.S.C. § 1963(1)(3).

26 (4) The United States shall have clear title to the
27 Forfeitable Marks following the Court's disposition of all third-
28 party interests or, if no petitions are filed, following the

1 expiration of the period provided in 18 U.S.C. § 1963(1)(2) for
2 the filing of third party petitions.

3 D. Pursuant to Fed. R. Crim. P. 32.2(b)(3) and defendant
4 CAVAZOS's consent, this Preliminary Order of Forfeiture shall
5 become final as to defendant RUBEN CAVAZOS upon entry and shall
6 be made part of his sentence and included in his judgment.

7 E. The Court shall retain jurisdiction to enforce this
8 Order, and to amend it as necessary, pursuant to Fed. R. Crim. P.
9 32.2(e).

10 DATED: June 15, 2010



UNITED STATES DISTRICT JUDGE

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12 PRESENTED BY:

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14 ANDRÉ BIROTTE JR.
15 United States Attorney

16 /s/ Steven R. Welk
17 STEVEN R. WELK
18 Assistant United States Attorney
19 Chief, Asset Forfeiture Section

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21 Attorneys for Plaintiff
22 United States of America
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